

Public Chapter 430

HOUSE BILL NO. 116

By Representative Hargrove

Substituted for: Senate Bill No. 440

By Senator Rochelle

AN ACT to amend Tennessee Code Annotated, Title 17, relative to judges and chancellors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 17, Chapter 2, Part 2, is amended by deleting Sections 17-2-201, 17-2-202, 17-2-203, 17-2-204 & 17-2-205 in their entirety and substituting instead the following:

Section 17-2-201. The purpose of this act is to insure that existing judicial resources are utilized to the fullest extent and that no additional judicial resources are created until uniform caseload statistics are developed which will establish a priority for the need for additional judges.

Section 17-2-202. (a) Each State Trial Court Judge has an affirmative duty to interchange if:

(1) A judge has died or is unable to hold court;

(2) Two (2) or more judges have agreed to a mutually convenient interchange;

(3) The judge is incompetent under the provisions of §17-2-101;  
or

(4) The Chief Justice of the Supreme Court has assigned by order a judge to another court pursuant to Rule 11 of the Supreme Court.

(b) A failure to comply with an interchange order of the Supreme Court is a judicial offense under §17-5-302(2). The chief justice shall report such failure to comply immediately to the presiding judge of the court of the judiciary. The Clerk of the Supreme Court shall maintain such reports for public inspection.

SECTION 2. Tennessee Code Annotated, Title 17, Chapter 2, Part 2, is amended by adding the following new section:

Section \_\_\_\_\_. After September 1, 1998, no additional State Trial Judge positions shall be created until the Tennessee Judicial Council has established uniformly reported caseload statistics which may include a weighted caseload formula and which prioritizes the need for additional positions among the judicial

districts. The judicial council shall certify such data to the House and Senate Judiciary Committees.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.